An Out-cry for Justice, by Edmund Felton Gentleman.

[1654]

OYES,

IF any one can tell where hee may have Justice against oppressors, in the right of the Common-wealth, and in his owne right; let them repaire to his lodging in the bowling ally beyond the Deanes yeard *Westminster*, and upon receiving of Justice he shall be very well rewarded for his paines; For the losse of the Common-wealth and the Complainants are very great for want of Justice, and if it bee not found now the Common-wealth must suffer, and the Complainant, his wife and poore Creditors must languish in a perishing condition. The cause of this his Out-cry is as followeth.

1. That by Act of Parliament the twenty sixt of *September* 1650 the present Commissioners of the Excise are authorized to farm the Excise of all commodities, or any part thereof; That accordingly the said Commissioners did from the twenty fifth of *March* 1651. to the twenty fifth day of *March* 1652. farm the Inland-Sope to master *Boothe* & Mr. *Walker* at 6500. l. free of all charges to the State, whereas the yeer. before the Commissioners raised no more then 2500. l. out of which the State bore all the charges of Officers.

2. That the second yeere the said Commissioners, although they once more agreed with the said *Boothe* and *Walker* for 7000. l. yet put them by, admitting another proposition afterwards from one *Daniell Dighton*, a Gager under the said first farmers for 8000. l. this experience taught the bidders for this third yeere to desire to be at a certainty, and therefore it was propounded, in the first place, that they would set a day for all bidders, that no man might make advantage of another mans proposition.

3. That the Commissioners accordingly, by writing posted up, did set the one and twentith of *March*, when severall bidders appeared,

Dighton, the Farmer in poſſeſſion, offered but 4500. l. for the enſuing halfe yeere; *Richard Wilkins* bids 5100. l. & *George Waldron*, the chiefe Gager did offer 5600. l. for the ſaid halfe yeere, and this was accepted preſently, and they tooke his bond the next day to performe the bargain and within fourteene dayes to preſent and give ſecurity to the content of the Commiſſioners.

4. But the ſaid *Dighton*, queſtioning the capaſity of the ſaid maſter *Waldron*, the chiefe Gager, the 23. of *March* laſt made him to relinquiſh his intereſt; whereupon preſently the Complaynant, making the ſame propoſition of 5600. l. it was conſented unto by the ſaid Commiſſioners, and the next day being the 24. of *March* laſt, the Commiſſioners tooke the Complaynant and maſter *Boothes* ſecurity in 1000. l. bond a peece to perfect all things according to the bargaine, and to give good ſecurity, to their liking within fourteene dayes; The names of the Complaynts ſecurity was given within ſix dayes after, to maſter *Bonner*, ſervant to the ſaid Commiſſioners, who would not enquire after the ſecurities till the ſaid maſter *Dighton* had a grant of ſome of the Commiſſioners to have the Farme from the Complaynant, which cauſed the Complanant to fly for Juſtice to the Committee of Parliament for regulaeing the Exciſe, where hee prayed to bee heard before he were concluded and extruded by any report of the ſaid Commiſſioners, and beſought their Honors he might not be deprived of his Right, founded on ſo cleere a bargaine, ſo much to the advantage of the Commonwealth. The ſaid Committee ſent back the ſaid Petition to the Commiſſioners, with this Referrence.

Committee for Regulating the *Exciſe.*

30. *Martii* 1653.

J. entr. J. M.

The Conſideration of this Petition is Referred to the Commiſsioners of Exciſe, *who are to examine the matter of fact, and to certifie the ſame, with their opinions unto this Committee.*

Jo. Dove. *Chr. Sidenham.*
Rich. Alewrth. *Edmo. Harvy.*
Jo. Davers.

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5. The Commiſſioners would not ſend their opinions to the ſaid Committee, but privatly ſent their Certificate the next week, when but two of that Committee ſate, with ſome others; to whom the Complanant Petitioned to bee heard to thoſe Certificates, for that hee was not acquainted with the purport thereof, as he conceived hee ought, and alſo prayed to have a Copy thereof, and a ſet day for hearing thereupon, or at leaſt that the ſame might bee read in his preſence and hee permitted to reply thereunto; and if hee did not then perſpicuouſly diſcover unto their Honors more practiſe and miſ-repreſentation therein then could be imagined to bee in ſuch a buſineſſe, or poſſible ſo countenanced before their Honors, hee would ſubmit to the ſevereſt cenſure and puniſhment that could be inflicted upon him; but this juſtice was not granted the Complainant, but hee willed to withdraw, with his Councell, and waited till the Committee roſe and then went to their Clearke, who told the Complainant his Farme was given to maſter *Dighton*, the Committee not ſhewing cauſe why the Complainant ſhould bee diſmiſſed from his bargain; ſuch Juſtice hath not beene known, to give away a mans right without ſhewing cauſe, and ſo the Complainant told maſter *Alewerth* one of the ſaid Committeee, who anſwered him he muſt not diſpute; juſtly were they ſo ſerved; without diſpute a juſt reward for ſuch vile doings without example. What diſcouragement it muſt bee to any man hereafter to deale with the Commiſſioners of the Exciſe who are ſo inconſtant in their bargain, or to put himſelfe forth for the advantage of Parliament will bee ſeene hereafter.

Thus are men made poore by oppreſſion, and then deſpiſed becauſe poore, but ſee the reward of ſuch 72 Pſal. 4. ver. *Hee that oppreſſeth the poore, ſaith* Solomon, *reprocheth his maker, But to doe Juſtice and Judgment is more acceptable to the Lord then Sacrifice.* Pro. 21. 3. *O that men would take notice What it is to rob the poore of his right, and to oppreſſe the afflicted, whoſe cauſe the Lord Will pleade, and ſpoyle the Soule of thoſe that ſpoyle them.* Pro. 22. 12. 13.

6. The Complaynant muſt not forget a peece of policie maſter *Bonner* uſed (whom the Commiſſioners imployed to enquire of the ſufficiency of the ſecurity) but not made knowne to the Complaynant till his Farme was given away to maſter *Dighton*, which was thus. The names of the ſecurity being given to maſter *Bonner*, hee was but to enquire of their ſufficiency and to certify the Commiſſioners; but hee went cunningly to one of them, and asked him whether he was to enter into bond for the Complaynant, who ſaid not he, for he knew him not,

which was true; and as true, That that Gentleman would have entred bond for the Complaynant, upon his friends requeſt that gave him his name, who would have ſecured him; but if hee would have refuſed, the Complaynants frend would have procured another as ſufficient, and many more if neede had beene, before the Complaynant ſhould have loſt the Farme, neither is it their part that are to enquire after the ſecurity to goe and aske whither they will enter into bond for ſuch a man, but to make report of their ſufficiency; beſides, if any of them would not have ſtood, the Complaynant had 6. or 7. dayes to tender other ſecurity, which the next day he could have procured, yet any two of the foure ſecuriey the Complaynant nominated, was better worth then thrice the halfe yeeres Farme, which the Complaynant humbly conceives the Commiſſioners ought to have accepted of; taking it to conſideration it was for the profit of the Common-wealth 600. l. for it was not the number but the ſufficiency of the ſecurity that was to bee looked on; but to let it goe to another for 600. l. leſſe then the Complaynant would have given, was a great breach of truſt; and eſpecially to him who for 5 or 6. yeeres before, when hee was Gager to the Farmers, could or would make but 2500. l. by the yeere, and when the State bore all the charge, which was about 500. l. and then much more Sope was made, for that the materials were halfe as cheape againe; upon the information of Maſter *Waldron* to Maſter *Boothe* and Maſter *Walker*, that the Sope-farme was then 1651. worth neere 9000. l. which by his gaging hee had raiſed, cauſed them to bid 7000. l. for the next yeere, and to beare all charges, which the Commiſſioners accepted; then the ſaid Maſter *Dighton*, former Gager to the Commiſſioners, could bid 8000. l. rather then he and his upholders would have the worth of the Exciſe diſcovered. Now let all honeſt judicious men judge hereof, what wrong the Complanant ſuffers for ſtanding for the Common-wealth: Should the Complanant have dealt thus (and beene of ability) hee ſhould have beene foundly fined. Thus much till the next diſcovery.

7. Moſt truly it is ſet downe in a Letter from the generall meeting of the Officers in the Army 1642. That the people of this nation are ſubject to grievous oppreſſions, through the obſtruction of Juſtice, And that the Lord might ſay to us, for whom hee hath done ſuch great things in *England*, as hee did to his Vinyard, Iſa. 5. 7. *And hee looked for judgment but behold oppreſſion, for Righteouſneſſe but behold a Cry.* It was well done to take it into conſideration, but much better when they heare the grievous complaints of the oppreſſed to aſſiſt them; it may be their childrens caſe, if not, let them doe as they would be done unto,

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for ſaith the Lord, *What meaſure yee mete ſhall be meaſured to you again.* And yet it is generally known the Complanant hath ſought the good of the Common-wealth more then his owne, and had hee beene ſonne or brother to the greateſt enemy to this Nation, hee could not bee more neglected and ſleighted then now hee is; A bad encouragement to bee deſerving.

8. The Complanant is neceſſitated thus to write and publiſh his oppreſſions to the world, to take off thoſe falſities that have beene rayſed againſt him; and charity bids not any man to beleeve till the accuſed be heard to ſpeak for himſelfe, for the beſt judgements may bee corrupted if but heare one party. *Hee that privatly ſlandreth his Neighbour* (ſaith the Prophet *David*) *I will deſtroy, and hee that telleth lies ſhall not remaine in my ſight.* O that all Governors, and thoſe that ſit in the ſeat of Juſtice were thus a *David.* Pſal. 101. To conclude, the Complanant may ſay with the Poet,

Who hath great friends, lives free and hath no faults,
But Without friends the moſt innocent halts.

And after the ſame manner the Complanant hath beene a great ſufferer neer 20 yeers before theſe troubles, which will appeare as followeth.

1. THat the late Lords of the Privy-Councell were authorized under the great Seale of *England,* to proceede againſt the Recuſants, enemies to the true profeſſors of the Goſpell, who for that they favored their kindred that were Papiſts, their friends and friends friends; whereby Popery did much increaſe, which was the cauſe that place was taken from them by their Prince, and conferred on the Complanants late Father to proceede againſt the ſaid Recuſants; not to puniſh them by fines or otherwaies for their opinion, but to ſuppreſſe them, and thereby to make them leſſe able to riſe againſt their Prince and Countrey, for they would not bee content to live peaceably with liberty of Conſcience, but as they grew in ſtrength plotted together to betray this Nation to the ſubjection of the Pope and popiſh-ſuperſtition, as the late Queene *Elizabeth* found to bee true by the riſing of the Papiſts in the North, and ſince that this Nation would have found to have beene ſo ſubjected, had not God of his infinite mercy prevented that damnable powder plotted treaſon in the late King *James* his reigne.

2. That the late King *James* in his life time received more then one

hundred thouſand pounds by the Complanants fathers ſervice; in which ſervice hee ſpent a great eſtate of lands of inheritance, in conſideration whereof, the ſixt part of what ſhould come in by his ſervice was granted unto him, which amounted to more then ſixteene thouſand pounds, of which his Father in his life time received neere foure thouſand pounds, and ſince, by virtue of a privy-Seale, granted by the late King *James*, the Complanants Mother and his Fathers children received more then two thouſand pounds, but not any ſince theſe troubles, ſo remaines in arreares to the Complanant neere ten thouſand pounds, being the only ſurviving childe of his Father, who humbly prayed the late Parliament hee might have ſome conſiderable place for the ſaid ſumme due to him, to pay poore Creditors, and for the ſubſiſtence of him and his wife; but could not obtein it.

3. That the late Incendiary Sir *Henry Spiller*, a Papiſt, was charged by the Complanants Father, to have deceived the late King *James* of more then one hundred thouſand pounds, with which hee purchaſed many thouſands a yeere, who to prevent his coming to a tryall, procured the Complanants father to bee committed to the Fleete, for a debt of five hundred ſixty ſeven pounds, which hee ſuggeſted the Complanants father ſhould owe to the ſaid King *James*; by which plot of his, the Complanants Father, ſhortly after, there ended his dayes, not without a ſtrong preſumption of being poyſoned: And ſince his death the Complanants mother and her children received, as aforeſaid more then two thouſand pounds, by which it may appeare the Complanants fathers impriſonment was plotted on purpoſe to take away his life there, as truly may bee judged, and will ſo appeare under the hand of the ſaid Sir *Henry Spiller*, to be produced on demand.

4. That the Parliament that was before theſe troubles, the Complanant charged the ſaid Sir *Henry Spiller* to his face, in the houſe of Commons with deceiving his Prince of the aforeſaid ſumme of one hundred thouſand pounds, hee then a member thereof, notwithſtanding which his eſtate had beene ſequeſtred had not that Parliament beene diſſolved; Since when the ſaid Sir *Henry Spiller*, by feigned actions impriſoned the Complanant ſeverall times, who thereby endured more then ſeven yeers impriſonment. And again about 1637. Sir *John Bramſton* knight, then Lord chiefe Juſtice of the upper-Bench, by the inſtigation of the ſaid Sir *Henry Spiller*, committed the Complanant to the upper-Bench priſon, without Warrant, or ſhewing cauſe why, and then cauſed one Maſter *Barrell* of *Cliffords*-Inne, his Attorney, to enter great actions againſt the Complanant, which hee did not only in his owne name, but in his wifes,

wifes, to whom the Complanant never owed any money, nor ever ſaw his wife; all which was done on purpoſe to ruine the Complanant his wife and children; In which priſon the Petitioner lay till 1640, and then had liberty given by that Parliament to proceed againſt Sir *Henry Spiller*, and ſo did; charging him by Petition and Articles with the ſaid one hundred thouſand pounds to his Prince, and he made it good before a Committee by the Records and Witneſſes: but ſo befriended then hee was by his fellow Juſtices, and Courtiers then Parliament-men, that the Complanant could not get his Charge Reported into the houſe of Commons, nor juſtice againſt the ſaid Sir *John Bramſton*, yet thrice printed bookes (and charged him, as now) and preſented to every Member one, and humbly prayed for Juſtice, but found it not. *The righteous* (ſaith the Prophet, Pro. 27. 7.) *conſiders the cauſe of the poore*, but the Complanant of 400. found none ſuch; here was cauſe enough to make the Complanant poore.

5. Could it bee taken into conſideration, the Complanant can make it appeare that the eſtate of Sir *Henry Spiller*, in equity, belongs to the Common-wealth, being four thouſand pound *per annum*; And it were mercifull Juſtice to take away three thouſand pounds *per annum* for the Common-wealths uſe, and to leave the other thouſand pound a yeere to ſhare betweene his wife and kinſman, to whom Sir *Henry Spiller* gave it by Will, and the Complanant to bee conſidered for his oppreſſions, unjuſt impriſonments and loſſes.

6. That the Complanant will make oath, if required, that the ſaid Sir *Henry Spiller* the then Parliament *viceſimo primo* of King *James*, offered five hundred pounds *per annum*, and ſeven or eight hundred pounds in money, was proffered as from the ſaid Sir *Henry Spiller* to the Complanant, for the wrongs and loſſes hee formerly had ſuſtained by the ſaid Sir *Henry*, on condition the Complanant ſhould ceaſe all proceedings againſt him, which the Complanant accepted of, and verily beleeves it had beene performed had not that Parliament ſuddenly beene diſſolved; which cauſed the ſaid Sir *Henry Spiller* to fall off from his promiſe, to which proffer Sir *James Parot* Knight for *Herefordſhire* (and then a Member of that Parliament) would have witneſſed the truth of the ſaid proffer from Sir *Henry Spiller*, had he lived.

7. That the Complanant was twice committed by the late Lords of the Privy-Councell, into the Meſſengers cuſtody, by the procurement of the ſaid Sir *Henry Spiller*, fourteene of them committed him at one time, and eight at another.

8. That other moſt horrid and wicked plots were committed by the

ſaid Sir *Henry Spiller* againſt the Complanants witneſſes; three of them hee impriſoned, and would not let two of them out of priſon, till they entred into one thouſand pound bond a peece, not to diſcover any of his deceitfull proceedings, one of the ſaid bonds to bee produced upon demand.

9. The other witneſſe hee plotted to have hanged for a pretended rape to one of his mens children, againſt whom the mother of the childe and her maid, ſwore the ſaid witneſſe had committed a Rape to the ſaid childe, and two Chyrurgeons and a Midwife tooke their oathes a Rape was committed to the ſaid childe; but it was not ſo, and ſo Maſter *Fenton*, then the Kings Chyrurgeon, made it to appeare in open Seſſions, no ſuch thing was committed to the childe, ſo hee was cleered; Another man hee would have hanged for aſſiſting the Parliament with men and armes, hee being then powerfull in the Kings army: Yet this man who was a Papiſt, found more favor in Parliament (by his fellow Juſtices and Courtiers) then the Complanant; but were there ſevere puniſhments to bee inflicted on ſuch wicked oppreſſors, it would ſave the ruine of thouſands of honeſt men and their families.

It is too much oppreſſion to ſuſtain,
And neither meet with help, nor yet complain.

FINIS.